



defendants. This is consistent with the government's position in the plea agreement (ECF No. 19) and such a sentence is sufficient but not greater than necessary to achieve the sentencing goals under 18 U.S.C. §3553(a).

## II. Relevant Facts and Procedural Background

On May 30, 2020, a large crowd gathered in front of the Foley Federal Building, located at 333 South Las Vegas Boulevard. PSR ¶9. Several individuals, including Lewis, broke apart from the crowd and began to damage the building. *Id.* ¶10. Windows were shattered, the walls of the building were spray painted with obscenities and anti-law enforcement graffiti, signs were destroyed, and the landscaping was lit on fire. *Id.* Lewis, along with others, went to the east entrance of the building and tried to break the windows in an attempt to make entry. *Id.* An on-duty Federal Protective Service Security Officer, T.W., who was stationed inside, witnessed the damage and attempted break-in. *Id.* ¶ 11. T.W. stated the crowd outside could see him inside the lobby and they were chanting, "Get him! Get the Cop!" *Id.* T.W. was in fear of the crowd breaking through the windows and the potential actions against his person if the crowd successfully made entry. *Id.* Ultimately, police units arrived, and the crowd was dispersed. *Id.*



"Foley Federal Building United States Courthouse" sign with letters torn off and graffiti.



Damage to front of Foley Federal Building

On February 25, 2021, Lewis pleaded guilty to Depredation Against Property of the United States, in violation of 18 U.S.C. §§ 1361 and 2. ECF No. 20.

### **III. Sentencing**

In conformity with the plea agreement, the government respectfully requests that the Court sentence Lewis to the low end of the Guideline range calculated by the Court. If the Court accepts U.S. Probation's Office's current calculation of a Total Offense Level of 10 and a Criminal History Category of I, a sentence at the low end of the resulting Guidelines range would be six months imprisonment. PSR at 20.

The government further recommends that U.S.S.G. §5C1.1(c)(2) should be applied to Lewis' sentence so that he may be subject to home confinement according to the schedule in 5C1.1(e)(3), provided at least one month is satisfied by imprisonment. The government believes this sentence would be sufficient, but not greater than necessary, to achieve the

1 sentencing goals of 18 U.S.C. §3553(a). While the government recognizes Lewis' lack of  
2 criminal history, when he joined with others on May 30, 2020, he purposefully destroyed  
3 federal property. PSR ¶115. His willful participation promoted "violence, vandalism, and  
4 destruction" and he should be held accountable for this unlawful behavior. *Id.* The  
5 requested sentence reflects the seriousness of the offense, as well as the need to promote  
6 respect for the law, deter future criminal conduct, and provide just punishment.

#### 7 **IV. Restitution**

8 The damage to the Foley Federal Building was significant, totaling \$71,335.52. ECF  
9 No. 19 at 7. Pursuant to the plea agreement, the government recommends that the Court  
10 order the full amount of restitution, to be imposed jointly and severally liable with the  
11 defendants in: *United States v. Wallace*, 2:20-cr-289-RFB-VCF; *United States v. Kostan*, 2:21-cr-  
12 81-APG-DJA; *United States v. Simon*, 2:21-cr-73-JCM-EJY; *United States v. Avalos*, 2:21-cr-92-  
13 JAD-VCF; and *United States v. Cherry*, 2:21-mj-139-DJA. Restitution is payable to:

14 General Services Administration (GSA)  
15 Attn: Herb Orrell  
16 333 S. Las Vegas Blvd, #5501  
17 Las Vegas, NV 89101

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**V. Conclusion**

The government respectfully requests that this Honorable Court sentence Lewis to the low end of the Guidelines, allowing Lewis to be subject to home confinement, so long as one month is satisfied by imprisonment.

DATED this 27th day of May, 2020.

Respectfully submitted,

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